

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

SAMANTHA D.,
Plaintiff,

v.

MARTIN O'MALLEY, Commissioner,
Social Security Administration,
Defendant.

)
)
)
)
) C.A. No. 22-cv-00464-MSM-PAS
)
)
)

ORDER

Mary S. McElroy, United States District Judge.

Before the Court is Magistrate Judge Sullivan's Report and Recommendation ("R&R") (ECF No. 16) recommending that the Court uphold the Administrative Law Judge's ("ALJ") denial of Plaintiff Samantha D.'s Motion for Reversal of the Disability Determination of the Commissioner of Social Security (ECF No. 9) be denied, and the decision of the Commissioner be affirmed. Plaintiff objected to the "R&R" (ECF No. 18). For the following reasons the Court adopts in full the reasoning and conclusions of the R&R.

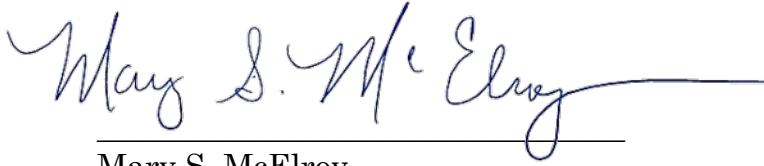
The Plaintiff argues that Judge Sullivan's recommendation was in error in two significant ways. First, she argues that the Magistrate Judge erred by rejecting the post-reconsideration medical records showing ongoing "headaches, polydipsia, worsening vision, [and] fatigue." (ECF No. 18). Next the Plaintiff argues that Judge Sullivan committed error by concluding that the RFC finding from the ALJ reflects "moderate limitations." *Id.*

As for the first objection, and contrary to the contention of the Plaintiff, the ALJ did not engage in impermissible fact-finding. Instead, she reviewed the ALJ's finding that the Plaintiff does not have significant physical limitations caused by her diabetes and noted that the entirety of the treatment records support this finding. The judge did not make findings of fact about the treatment note in question, instead she pointed out that there had been no source who opined that the Plaintiff's symptoms caused functional limitations. That analysis included the note. The court has reviewed the same record and concurs with this opinion and its reasoning.

As for Plaintiff's second objection; the Magistrate Judge found that the findings of the ALJ were not "incompatible with an equitable reading of the record" (ECF 16, p. 13) and concluded that the plaintiff had not met her burden of establishing that her RFC is more limited than assessed. "Plaintiff's argument boils down to an invitation to the Court to reweigh the evidence...." *Id.* After a thorough review of the entirety of the record this court concludes that the Magistrate Judge was correct in this assessment.

Thus, after careful review of the record and applicable law, the Court ADOPTS the reasoning and recommendations of the R&R in full. Accordingly, the Plaintiff's Motion to Reverse the Decision of the Commissioner, (ECF No. 9) is DENIED, and the Defendant's Motion to Affirming the Decision of the Commissioner, (ECF No. 10) is GRANTED.

IT IS SO ORDERED.

A handwritten signature in blue ink, reading "Mary S. McElroy", followed by a horizontal line.

Mary S. McElroy
United States District Judge
March 21, 2024